

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
(ERIE DIVISION)

RUSSELL JACKSON ELLINGER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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C.A. No.: _____

COMPLAINT

AND NOW, comes the Plaintiff, Russell Jackson Ellinger, by and through his counsel, Adam E. Barnett, and the law firm of Bernard Stuczynski Barnett & Lager, PLLC, and hereby files the instant Complaint alleging as follows:

THE PARTIES

1. The Plaintiff, Russell Jackson Ellinger, is an adult individual, residing in Erie, Erie County, Pennsylvania, within the jurisdiction of this Honorable Court.
2. The Defendant is the Commissioner of Social Security of the United States of America.

JURISDICTION

3. This Honorable Court has jurisdiction over this action pursuant to 42 U.S.C. § 1383(c)(3) to review a decision of the Commissioner of Social Security denying Plaintiff's application for Supplemental Security Income benefits for lack of disability.

CAUSE OF ACTION

4. This action is an appeal from a final administrative decision denying Plaintiff's claim and commenced within the appropriate time period set forth in the Action of Appeals Council on Request for Review dated September 15, 2022.

5. The last four digits of plaintiff's Social Security number (SSN) are 2332. Plaintiff's full SSN is omitted from this Complaint in compliance with Rule 5.2(a)(1) of the Federal Rules of Civil Procedure.

6. Plaintiff is disabled.

7. The conclusions and findings of fact of the defendant are not supported by substantial evidence and are contrary to law and regulation.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

1. Reverse the decision of Defendant; and
2. Find Plaintiff is entitled to disability benefits under the provisions of the Social Security Act; or
3. Remand the case for a further hearing; and
4. Award attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), on the grounds that the Commissioner's action in this case was not substantially justified; and
5. Order such other and further relief as this Honorable Court deems just and proper.

Respectfully submitted,

BERNARD STUCZYNSKI
BARNETT & LAGER, PLLC

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